

**Remarks/Arguments:**

***Summary of Changes Made***

By this Amendment, claims 1, 10 and 12 have been amended, and claims 9, 13-14 and 18-22 have been canceled. Specifically, claim 1 has been amended to reformat the alignment of the elements and to delete the periods within the parentheses. Claim 10 has been rewritten in independent form including all of the limitations of claim 1, except that claim 10 specifies that the side wall of the base of the grip structure joined to the tread plate is frusto-conical in shape rather than curved. And, claim 12 has been amended to specify that the tread plate further comprises a plurality of drain structures that extend downwardly from the bottom surface of the tread plate to at least partially define a drain hole that extends through the tread plate. Accordingly, claims 1-8, 10-12 and 15-17 are pending in the application. No new matter has been added.

***Drawings***

In the prior Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a) on grounds that they did not show the base (40) of the grip structures (32) as having a continuous side wall that is frusto-conical as claimed in claim 10. By this Amendment, applicants have submitted replacement drawing sheets that renumber original Figs. 2 and 4 as Figs. 2A and 4A, respectively, and include new Figs. 2B and 4B, which show the base (40) of the grip structures (32) as having a continuous side wall that is frusto-conical as described in the specification and claimed in claim 10. Appropriate corrections have been made to the specification for consistency. In view of the submission of the replacement drawing sheets, reconsideration of the prior objection to the drawings is respectfully requested.

### ***Claim Rejections - 35 USC § 112***

In the prior Office Action, the Examiner rejected claims 12-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner noted that claim 12 recites "said grip structures having a height (H) ... a base having a ... radius of curvature (RC) between the base and the top surface of the treat plate, wherein the ratio of the radius of curvature to the height of the grip structure is greater than 0.5." The Examiner contends that claim 12 is indefinite because no unit of measure is disclosed for either the radius of curvature or the height of the grip structure. Applicants respectfully disagree with the Examiner and request reconsideration of the rejection of claims 12-17.

Applicants note that a ratio of two lengths is always a unit-less figure. It does not matter what unit of measure is used to measure the length in the ratio calculation because the units of measure cancel out during the calculation. All that is required is that the same unit of measure be used to measure both lengths in the ratio calculation. Thus, the ratio of the radius of curvature to the height of the grip structure can be determined using any unit of measurement. For example, if the radius of curvature is measured in inches and the height of the grip structure is also measured in inches, the ratio calculation divides inches by inches, thereby canceling out the units. The ratio between the radius of curvature and the height of the grip structure would be the same whether the measurement of such structures was made in inches, feet, millimeters, cubits, furlongs, fathoms or any other length or distance measuring unit. Reconsideration of the rejection of claims 12-17 is respectfully requested.

### ***Claim Objections***

In the prior Office Action, the Examiner objected to claim 9 under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous

claim. By this Amendment, claim 9 has been canceled, thereby rendering the prior rejection thereof moot.

***Claim Rejections - 35 U.S.C. §102***

In the prior Office Action, the Examiner rejected claims 1-12 and 15-17 under 35 U.S.C. §102(b) as being anticipated by Mullaney et al., U.S. Pat. No. 3,181,440. By this Amendment, claims 9 and 13-14 have been canceled thereby rendering the prior rejection thereof moot. However, applicants respectfully submit that Mullaney et al. does not anticipate claims 1-8, 10-12 and 15-17 because the tread plate shown and described in Mullaney et al. does not disclose, teach or suggest all of the elements of the anti-slip step as claimed in such claims.

Applicants note that the tread plate according to Mullaney et al. does not include "a plurality of drain structures extending downwardly from the bottom surface of the tread plate" as claimed in all of the independent claims pending in the present application. The drain openings or holes (13) described and shown in Mullaney et al. do not extend downwardly from the bottom surface of the tread plate, but rather, they simply constitute openings or holes "located in the plane of the plate" (col. 2, lines 67-68). The downwardly extending drain structures claimed in applicants' independent claims are simply not present in any embodiments of the tread plate described in Mullaney et al.

Furthermore, applicants note that the side walls of the grip structures (which are referred to as "flanges" (12) in Mullaney et al.) appear to extend vertically from the plane of the tread plate. In the present application, all of the independent claims specify that the side walls of the grip structures be continuous curved (see independent claims 1 and 12) or frusto-conical (see independent claim 10) structures that are joined to the tread plate. Again, these elements of applicants' anti-slip step are not fairly disclosed, taught or suggested in Mullaney et al.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In this case, each and every element of applicants' anti-slip step cannot be found in Mullaney et al. Reconsideration of the rejection of claims 1-9, 10-12 and 15-17 is therefore respectfully requested.

### ***Claim Rejections - 35 U.S.C. § 103***

In the prior Office Action, the Examiner rejected claims 18, 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over Bills et al., U.S. Pat. No. 2,281,822, in view of Hasselquist, U.S. Pat. No. 1,959,101. The Examiner also rejected claims 20 and 22 under 35 U.S.C. §103(a) as being unpatentable over Bills et al. in view of Hasselquist as applied to claims 19 and 21 further in view of Mullaney et al.. By this Amendment, claims 18-22 have been canceled thereby rendering the prior rejection thereof moot. Applicants reserve the right to pursue the subject matter of the canceled claims in one or more continuation applications.

Also in the prior Office Action, the Examiner rejected claims 12-14 under 35 U.S.C. §103(a) as being unpatentable over Bahnfleth, U.S. Pat. No. 4,343,119, in view of Mullaney et al. By this Amendment, applicants have amended claim 12 to require that the anti-slip step include "a plurality of drain structures extending downwardly from the bottom surface of the tread plate."

Bahnfleth discloses an anti-skid tread or grating that includes a plurality of gripping members or rosettes (30) that have three or four lobes extending upwardly from the plane of a plate (32). Bahnfleth, however, does not teach any drain structures that extend downwardly from the bottom surface of the tread plate, and thus does not supply the teachings that are missing from the Mullaney et al. prior art previously discussed above. Thus, the combination of

Mullaney et al. and Bahnfleth fail to disclose each of the elements of applicants' anti-slip step as claimed in claims 12-14. In view of the amendments to claim 12, reconsideration of the rejection of claims 12-14 is respectfully requested.

**Conclusion**

In view of the foregoing, claims 1-8, 10-12 and 15-17 are believed to be in condition for allowance. The issuance of a timely Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "R.E. Digges, III", is written over a horizontal line.

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